

**LAW OFFICES
JOHN S. WALLENSTEIN
1100 FRANKLIN AVENUE
GARDEN CITY, NEW YORK 11530
(516) 742-5600 FAX (516) 742-5040
EMAIL: JSWallensteinEsq@outlook.com**

November 28,

BY ECF

Hon. Philip M. Halpern
United States District Judge, SDNY
300 Quarropas Street
White Plains, New York 10601

**Re: United States v. Kindle, et al
Defendant Ralph Mercado
Docket # 21 CR 153 (PMH)**

Dear Judge Halpern;

I write to apprise the Court of the current status of the defense evaluation of Mr. Mercado, and to request an adjournment of the conference scheduled for Thursday, December 1.

The Court ordered a third evaluation of Mr. Mercado, to be conducted by a BOP psychologist. Unfortunately, Mr. Mercado was recently hospitalized, again, for a condition which required surgery. As a result, the MDC psychologist, Dr. Andrea Jenkins, was unable to complete her examination. When I spoke with her last week, she estimated that she would need at least another 30 days to complete her examination and draft a report.

We therefore respectfully request that the conference scheduled for Thursday December 1 be adjourned, as there is nothing further to report except as noted. The Government concurs, and consents to the adjournment. The defense agrees to waive speedy trial, although we note that the pendency of the competency examination automatically stays the clock.

Application granted.

The status conference currently scheduled for December 1, 2022 is adjourned to **February 7, 2023 at 9:30 a.m.** in Courtroom 520

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
November 28, 2022

LAW OFFICES
JOHN S. WALLENSTEIN

Hon. Philp M. Halpern
November 28 2022
Page 2 of 2
21 CR 153 (PMH)

We understand that the Court is not available until late January. I expect to be on trial beginning January 24, for about ten days, so an earlier appearance is not feasible. Mr. Cangelosi advises that the Court is available on February 7, 2023 at 9:30 a.m., so we respectfully request an adjournment until then.

Thank you for your courtesy and consideration.

Respectfully yours,

JOHN S. WALLENSTEIN

JSW/hs

cc: AUSA Nicholas Bradley (by ECF)
AUSA Jennifer Ong (by ECF)